

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISH NETWORK L.L.C.,

Plaintiff,

v.

AMERICAN BROADCASTING
COMPANIES, INC., CBS CORPORATION,
the FOX ENTERTAINMENT GROUP, INC.,
FOX TELEVISION HOLDINGS, INC., FOX
CABLE NETWORK SERVICES, L.L.C., and
NBCUNIVERSAL MEDIA, L.L.C.,

Defendants.

Civil Action No. 12 Civ. 4155 (LTS) (KNF)

NOTICE OF MOTION TO DISMISS, STAY OR TRANSFER

PLEASE TAKE NOTICE that defendants CBS Corporation and NBCUniversal Media, L.L.C. (together, “CBS/NBCU”), by their attorneys, Mitchell Silberberg & Knupp LLP, hereby move this Court, before the Honorable Laura Taylor Swain at the Courthouse, 500 Pearl Street, New York, New York, Courtroom 11C, to dismiss the action under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and 28 U.S.C. § 2201; or in the alternative, pursuant to 28 U.S.C. §§ 1404(a) and 2201, to transfer to the Central District of California or stay this action pending resolution of the lawsuits against DISH Network L.L.C. (“DISH”) captioned *NBC Studios, LLC, et al. v. DISH Network Corporation and DISH Network L.L.C.*, Case No. CV 12-4536 (C.D. Cal.) and *CBS Broadcasting Inc., et al. v. DISH Network Corporation and DISH Network L.L.C.*, Case No. CV 12-4551 (C.D. Cal.).

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, CBS/NBCU have submitted the accompanying Memorandum of Law dated June 8, 2012; the Declaration of Lura Burton dated June 7, 2012; the Declaration of Carly Seabrook dated June 7, 2012; and the

Declaration of Gabriela Kornzweig dated June 7, 2012. CBS/NBCU additionally respectfully incorporate by reference the arguments and submissions set forth in the briefs and other papers that are being filed concurrently by defendants Fox Entertainment Group, Inc., Fox Television Holdings, Inc. and Fox Cable Network Services, L.L.C. in support of their own separately noticed motion to dismiss, stay or transfer the action.

PLEASE TAKE FURTHER NOTICE that, pursuant to the May 30, 2012 Order of this Court, papers opposing this Motion, if any, are required to be served upon the undersigned no later than June 18, 2012 at 12:00 p.m.

Pursuant to the Court's Individual Rules of Practice, counsel for CBS/NBCU hereby certify that they have used their best efforts to resolve informally the matters raised by this Motion, by letter correspondence and a telephone conference between the parties' counsel, but they have been unable to do so. Counsel for CBS/NBCU further certify that DISH has not amended its Complaint in response to the arguments raised by this Motion.

DATED: June 8, 2012
New York, New York

Respectfully submitted,

MITCHELL SILBERBERG & KNUPP LLP

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